



IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

JAMES THORNE,)	Case No.:
)	
Plaintiff,)	COMPLAINT FOR NEGLIGENCE
)	
vs.)	NOT SUBJECT TO MANDATORY
)	ARBITRATION
CITY OF PORTLAND, an Oregon)	
municipal corporation,)	JURY TRIAL DEMANDED
)	
Defendant.)	PRAYER: \$1,182,384.70
)	ORS 21.160(1)(d) - \$834

Plaintiff demands a jury trial and alleges:

1.

Defendant City of Portland is a municipal corporation in the State of Oregon, and it owns, controls and maintains Kelley Point Park and the metro bike path that runs through the park. As provided in ORS 30.275(2), notice of this claim was properly given to defendant City of Portland within 180 days of the incident.

2.

On or about May 1, 2018 plaintiff James Thorne was riding his bicycle at Kelley Point Park, located at N Kelly Point Park Rd. Portland, Oregon, when

1 he rode into an unmarked metal cable that was connected between two metal
2 poles across the trail causing him and his bicycle to flip over the cable.

3 3.

4 A cause of the above-described injury was the negligence of the City of
5 Portland, acting by and through its agents and employees, who were then and
6 there acting within the course and scope of such agency and employment, and
7 all injuries alleged herein were caused by the negligence of defendant's
8 employees, agents, or apparent agents in one or more of the following
9 particulars:

- 10 (a) In attaching a metal cable connecting between two metal poles
11 across a bicycle trail;
- 12 (b) In failing to maintain a safe bicycle trail;
- 13 (c) In failing to use colors, flags or other markers to make the cable
14 more visible to plaintiff or otherwise warn plaintiff of the cable; and
- 15 (d) In failing to properly warn bicycle riders of the cable both on the
16 trail and on the website.

17 4.

18 As a direct result of the above-described negligence, plaintiff suffered
19 injuries to his back, neck, including a disc injury, numbness in tongue, both
20 elbows, left shoulder and right wrist, including a tear to his scaphoid lunate
21 interosseous ligament. The injuries to his left shoulder and right wrist
22 required surgery. Wrenching, stretching, twisting, and tearing of the soft
23 tissues about the spine, including his neck, back, left shoulder and right wrist

1 may have aggravated pre-existing asymptomatic degeneration. Plaintiff
2 suffered, continues to suffer, and will permanently suffer from pain, discomfort
3 and interference with ordinary activities, all to plaintiff's noneconomic damages
4 not to exceed \$1,000,000. This number may change, depending on whether
5 plaintiff's condition resolves, persists, or worsens.

6 5.

7 As a further result of the above-described accident and injury, the
8 plaintiff has incurred medical expenses in the amount of approximately
9 \$86,000. Plaintiff is currently seeking medical and billing records and agrees
10 to amend additional medical expenses if needed.

11 6.

12 As a further result of the above-described accident and injury, the
13 plaintiff lost past income in the amount of \$83,914.70. The plaintiff continues
14 to treat for his injuries and agrees to amend the additional lost income and
15 additional loss of earning capacity when he becomes medically stationary.

16 7.

17 As a further result of the above-described accident and injury, the
18 plaintiff incurred property damage in the amount of \$12,470.

19
20 WHEREFORE, plaintiff prays for judgment against defendant in the
21 amount of \$1,000,000 in noneconomic damages, \$182,384.70 in economic

22 / / / / /

23 / / / / /

1 damages, and for plaintiff's costs and disbursements necessarily incurred
2 herein.

3 Dated: June 24, 2019

4 /s/ Jason Kafoury

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